

Department Checklist International Scholar Immigration Document Processing

Documents required for initial and extension requests - all immigration classifications

Form A

Completed and signed by department host, chair and dean.

For graded staff positions, signatures are required from the employee's principal supervisor, and VP.

Letter of Appointment

Required for all faculty and research positions.

Appointments are generally approved by the Dean of the school or college.

Form B

Completed and signed by the prospective employee.

Supporting Documentation from Employee [see checklist on Form B]

Employment Offer Letter from the Office of Human Resources

Only required for sponsorship requests for employees in graded staff positions.

Additional Items

Those required for the specific visa classification as listed below.

For H-1 Temporary Worker Requests

H-1 Supplement Form

H-1 Letter of Support

Note : If Premium Processing Check is required

Make payable to 'US Department of Homeland Security' if department wishes to request USCIS Premium Processing expedite service.

For TN (Trade NAFTA) Employee Requests

TN Supplement Form

For O-1 Persons of Extraordinary Ability Requests

O-1 Supplement Form

Immigration Services	Marialice Shary Shivers [MASS] Building 1201 University Drive, Edinburg, Texas 78539	Tel : (956) 665-3021 Fax : (956) 665-7209	Web : UTRGV HR Email : alberto.castillo@utrgv.edu
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SECTION A UTRGV Host Department Information

College | Department [if applicable] : Department Account Name :
 Assistant Dean Officer [if applicable] : Department Account Number :
 Department | Office Address [city, state, zip] :

UTRGV Host | Supervisor Department | Office Contact
 Name : Name :
 Title : Title :
 Phone : Phone :
 Fax : Fax :
 Email : Email :

SECTION B Requested Visa Classification

Visa Type [please select one] :

SECTION C Scholar | Employee Personal Information

Last Name : Salutation : UTRGV ID [if applicable] :
 First Name : Date of Birth : Has a Ph.D degree? :
 Middle Name : Gender :
 Currently resides in the U.S.? : If Yes, in what status? : If Other, please list :

SECTION D Academic Appointment | Employment Information

Appointment | Title : Start | Extension Date : End | Extension Date :
 Field of Teaching, Research, Employment or Specialization :
 Brief non-technical description of teaching | research | work :
 Type of work performed? : Tenure Status :
 Employment Status : If Part-Time, specify : hours per week % of Full-Time \$ per hour
 Requires license | certification? : If Yes, list type(s) :

SECTION E Location(s) of Employment | Activity

Primary employment address [include city, state, zip] :
 Will scholar engage in collaborative research or related activities at any locations other than the principal address listed above? :
 Will scholar work/be placed at any secondary work locations for more than five days? :
 If Yes to either, provide all addresses at which the activity may occur [include city, state, zip]. Attach a separate sheet if needed.
 Address 1 :
 Address 2 :

Scholar | Employee Name :

SECTION F Funding Information

Total annual salary : Other total funding :
Scholar principal source of funding : If Other, please explain :

SECTION G Handling Instructions

Please select one :

SECTION H Attestations and Certifications

In requesting immigration sponsorship for the above-named individual, WE CERTIFY THE FOLLOWING :

1. We have read all of the information on both sides of this form as well as on the corresponding Supplement form (Supplement H, TN, and O) and it is, to the best of our knowledge, true and correct.
2. We understand that, pursuant to the University of Texas-Rio Grande Valley policy, neither we, nor our employees, are authorized to retain private counsel (attorneys/lawyers) to represent UTRGV's interests. All nonimmigrant petitions (i.e. H, O, TN) must be channeled through the Immigration Services - HR (IS); and all immigrant petitions (i.e., permanent residence, also known as "green card") require approval of the Provost.
3. If the terms this scholar's employment (or activity, if not employed) change in any way, or if the scholar ceases to be employed before the expiration of the approval documentation, we will immediately notify the IS in advance via the appropriate departure or change of activity form as found at: <http://www.utrgv.edu/en-us/about-utrgv/administration/hr/index.htm>.
4. Timing of requests: We understand that this department must submit requests for initial appointments, extensions, and changes in the scholar's employment/activity in accordance with the IS's processing timelines as published on the IS-HR web site (<http://www.utrgv.edu/en-us/about-utrgv/administration/hr/index.htm>). We understand that failure to comply with the timeline specific to this scholar's immigration status (visa type) could result in one of the following.
NOTE: this is particularly important for time-sensitive petitions such as TN, H-1B and O.
 - a. A significant delay in beginning employment/activity (for new scholars).
 - b. A period of time in which the scholar must stop employment/activity without any possibility of compensation (retroactive payments are not permitted).
 - c. Require the scholar (and her/his dependents) to travel to her/his home country.
5. We understand that the immigration category petitioned for is determined by the Immigration Services (IS) in accordance with University policy and government regulations.
6. We understand that other provisions and restrictions may apply before employing/hosting the scholar based upon the prospective employee's individual circumstances and visa history. For example: individuals who are currently or have been recently in the U.S. in "J" nonimmigrant status may be subject to a home country physical presence ("residence") requirement which may prevent a change of status.
7. We understand that noncompliance with federal and state regulations to which we are attesting through this and other documentation we have and will submit can result in significant fines and will jeopardize UTRGV's ability to sponsor international scholars in the future.
8. Change in date of arrival: if the scholar will not arrive by the appointed start date, we understand that we are required to report this to the IS immediately as it may require additional immigration processing.
9. We understand that we may not make the following changes unless the IS files a new or amended petition and receives approval (retroactive payments are not permitted) pursuant to U.S. law and related procedures:
 - a. Promotion or other change in job title or rank.
 - b. Substantial changes in job duties/responsibilities.
 - c. Any decrease in salary/benefits.
 - d. A substantial increase in salary/benefits.
 - e. Change in location of work
10. UTRGV (including the IS, the Offices of Human Resources, or individual host departments) may be subject to audits or on-site compliance reviews pertaining to the sponsorship of nonimmigrant employees. These audits and on-site inspections may be made by agents or designates from U.S. Department of Homeland Security (Immigration and Customs Enforcement), U.S. Department of State, U.S. Department of Labor or other agencies, as applicable. Any questions related to audits or compliance visits should be referred immediately to the IS.

If sponsorship in H-1B or O-1 category is requested, WE FURTHER CERTIFY THE FOLLOWING :

11. If the scholar will obtain H-1B or O-1 status, this department attests to the following:
 - a. Employment of this individual will not adversely affect the working conditions of workers similarly employed. Further, this employee will be afforded working conditions on the same basis, and in accordance with the same criteria, as offered to similarly employed U.S. workers.

Scholar | Employee Name :

- b. The department will pay at least the higher of either the actual wage to be paid by the department to all other individuals with similar experience and qualifications for the specific employment in question or, the prevailing wage as determined by the Department of Labor for those in similar occupations in Hidalgo/Cameron county area. Note: IS will seek a determination of the PW in accordance with U.S Department of Labor standards. In cases where an employee may work at more than one distinct work site, the employer must obtain a prevailing wage for each work site and the employee must then be paid (at minimum) the highest of the required wages – either the actual wage or the highest of the PW assignments received for the multiple work locations.
 - c. By requesting H-1B sponsorship on behalf of this employee, this department will agree to, and will abide by, the terms of the labor condition application (LCA) for the duration of the employee’s authorized period of stay for H-1B employment.
 - We certify that we will maintain a valid employer-employee relationship with the employee at all times.
 - If the beneficiary is assigned to a position in a new location, we will notify the IS in advance in order to post an LCA prior to the employee’s reassignment.
 - We further understand that the employee cannot be charged the ACWIA fee and that any other required reimbursements will be considered an offset against wages and benefits relative to the LCA.
 - If employee will be placed at any location other than the one(s) listed on page one of Form A, for a period longer than five (5) days, the IS must be notified in advance by completing a Change in H-1B Employment Form.
 - If the new location is deemed a “short-term placement” then the employer must cover all actual expenses (travel, housing, living) for work and non-work days spent by the employee on site.
 - If the new location is deemed to be a “work site,” then filing of a new Labor Condition Application and amended H-1B petition may be required.
 - d. If the employee is terminated by the University of Texas-Rio Grande Valley prior to the expiration date of the approved petition, the department will pay the reasonable travel expenses necessary for the employee to return to her/his home country or country of last legal residence.
 - e. There is no strike or work stoppage in the department at the time of signing this form.
 - f. The scholar will not be placed on unpaid leave or any type of non-pay status at any time without IS approval.
12. We understand that the University must certify that the scholar does not need a license from the U.S. Department of Commerce or the U.S. Department of State to have access to technology and data in connection with his or her research at the University and we understand that the University will rely on this certification for that purpose. Specifically, this academic Department understands that it is essential that the Department maintain the University commitment to openness in research and by ensuring that the scholar does not :
- a. Formally or informally agree to keep confidential technology or data that is export controlled; or
 - b. Formally or informally agree to restrictions on the scholar’s ability to disseminate and publish the results of his or her research; or
 - c. Travel outside the U.S. in connection with his or her work for the University without seeking the advice of the Office of Sponsored Programs.
13. We understand that all members of the academic departments and the University are obliged to comply with export control laws. In addition the Department Host certifies that :
- a. The research in which the Host expects the scholar will be involved does not involve activities related to the proliferation of nuclear, chemical or biological weapons or missile technology.
 - b. The research in which the Host expects the scholar will be involved does not involve materials, technology or services listed on the Commerce Control List : http://www.access.gpo.gov/bis/ear/ear_data.html or the Munitions List : <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>
14. For Department Hosts (Principal Investigators or Supervisors) from the College of Engineering & Computer Science, College of Science & Mathematics the attestation below includes an individual certification of the following :
- a. I work, or will work with the scholar, should he/she be granted permission from the U.S. Government to work within the University. I will work with the International Scholar in a capacity that enables me to anticipate the particulars of his/her research and work at the University.
 - b. I affirm that the contents of the Request for Visa-Related Documents for an International Scholar (Form A) are true, to the best of my knowledge, information and belief. I confirm that I have reviewed the Munitions List (<http://www.fas.org/spp/starwars/offdocs/itar/p121.htm>) and I do not expect that the International Scholar’s work will involve technology or technical data on that list.
 - c. If at any time during the International Scholar’s employment I become aware that technology or technical data have/are/or will be released to the International Scholar in ways that were not anticipated, or that work in the International Scholar’s lab is governed by a confidentiality agreement of any kind, I will immediately notify the Office of Research and Sponsored Projects. I will notify the Office of Research and Sponsored Projects before the International Scholar begin work activity outside my control or knowledge.

Department Host Signature *	Department Host Printed Name	Date
Department Chair Signature *	Department Chair Printed Name	Date
Dean Signature	Dean Printed Name	Date

* Requests for sponsorship for graded staff positions require signature from (1) employee’s direct supervisor and (2) administrative department director/VP.

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Purpose : The H-1B Supplement (page 2) is used by the IS to describe the minimum educational, training and work experience requirements of a job title for the purpose of obtaining a Prevailing Wage Determination from the US Department of Labor. Hiring departments should refer to the chart below when preparing the H-1B Supplement to make certain they are describing only the minimum qualifications needed to perform in this position. The Prevailing Wage Determination is specific to the job described, not the individual. Do not simply list the applicant’s qualifications. The more experience and education required, the higher the US Department of Labor Prevailing Wage Determination.

The Actual Wage Documentation (page 3) is used by the IS to document for US Department of Labor audit purposes how the wage offered to a particular applicant has been determined in comparison with other similarly employed individuals within the same department, office or work unit. This form should list the UTRGV ID and salary for all persons with the same title within the same department, office or unit. The hiring department should also indicate factors considered in determining the H-1B applicant’s salary in comparison with similarly employed persons.

Minimum Job Requirements for Immigration Sponsorship by UTRGV Academic Title

Partial list of academic titles includes academic ranks most commonly used in immigration processing. Minimum job requirements per academic ranks as determined by the IS for the purpose of US Department of Labor requirements for H-1B immigration sponsorship.

UTRGV Staff Positions

Minimum requirements for immigration processing will be based on official Human Resources-approved Job Description. Please attach a copy of the Job Description to this form for IS review.

Faculty Titles [Based on guidance outlined in the UTRGV Academic Job Titles]

Minimum Required

- UTRGV Academic Title :
- Education [highest degree] :
- Training [years] :
- Work Experience in Job Offered [years] :
- Work Experience in Related Occupation [years] :
- Special Requirements or Licenses :

Research Titles [Based on guidance outlined in the UTRGV Academic Job Titles]

Minimum Required

- UTRGV Academic Title :
- Education [highest degree] :
- Training [years] :
- Work Experience in Job Offered [years] :
- Work Experience in Related Occupation [years] :
- Special Requirements or Licenses :

Summary of Minimum Job Requirements

SECTION A UTRGV Hiring Department | Office Information

Hiring Department | Academic Office :

UTRGV Host | Supervisor Name :

Department | Office Contact Name :

SECTION B Scholar | Employee Name

Last Name :

First Name :

Middle Name :

SECTION C Appointment Information

Appointment | Title :

SECTION D Job Duty Summary

Field of Teaching, Research, Employment or Specialization :

Will H-1B employee serve as principal supervisor for any full-time employees [not students] :

If so, specify number of full-time employees this H-1B scholar will supervise :

Describe in detail the job duties to be performed by employee. For teaching roles, include teaching fields. For research roles, include day-to-day description of research methodologies as well as scope / application of research. Include amount and type of supervision.

SECTION E Minimum Job Requirements

Please refer to the IS chart of Minimum Job Requirements for Immigration Sponsorship by UTRGV Academic Title on page one of this supplement for guidance when completing the information requested below to determine the standard minimum educational requirements for the most common UTRGV academic titles. For staff positions, please refer to or the HR Job Description.

What are the minimum requirements for this position? List only the minimum qualifications needed to perform in this position; do NOT simply list the applicant's qualifications. The more experience and education required, the higher the US Department of Labor Prevailing Wage Determination.

Minimum
Required

Education [highest degree] :

Training [years] :

Work Experience in Job Offered [years] :

Work Experience in Related Occupation [years] :

Special Requirements or Licenses :

Actual Wage Documentation

SECTION A UTRGV Hiring Department | Office Information

Hiring Department | Academic Office : _____ School | College [if applicable] :

SECTION B Scholar Name

Last Name : _____ First Name : _____ Middle Name : _____

SECTION C Additional Appointment Information

Appointment | Title : _____ Start | Extension Date : _____ End | Extension Date : _____

SECTION D Actual Wage Information

Total annual salary : _____ Check all factors that were considered in determining the applicant salary :

Degree(s) earned	Comparable rate of pay at similar institutions
Previous work experience	Premium to hire away from another institution
Academic honors	Particular skills this individual possesses
Area of specialization	Demonstrated decision-making ability
Supervisory responsibilities	Other :

Yes No Are there ANY other employees in this department or office holding the same title?
 If YES, follow the instructions below to complete the following questions.

Instructions

The information requested here is required by the Department of Labor for the Public Access File that will be kept in relation to this application. In the chart below, list **all** employees in same department, office or unit – including US citizens – with the same title as the applicant and complete all pertinent information. This chart determines the “actual wage” (see definitions on page 2) paid in your department to those with the same title. If additional space is needed, please continue on a separate sheet.

In the blocks below the chart, provide :

- Any variations in salaries (e.g., “Employee #3 has 6 years of experience at UTRGV” or “Employee #8 has been granted two patents”).
- The salary range of employees with the same title in accordance with the chart above.

	UTRGV ID	Salary [At Time of Hire]	Salary [Current]	Hire Date	Highest Degree	Year Received
1						
2						
3						
4						
5						
6						
7						

Please explain any substantial or unclear variations in the salaries listed above.

Salary Range : _____ to _____

Department Chair or Director

Printed Name

Date

For use by Immigration Services Only				
Received By :	Date :	Higher Wage is :	Actual Wage	Prevailing

Sample Letter of Support
[On department letterhead]

[Date]

Department of Homeland Security
U.S. Citizenship and Immigration Services
California Service Center
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

The **Position Title** in this letter must match the title used in Form A, the H Supplement and the appointment letter.

RE: H-1B Petition on Behalf of Scholar Name

To Whom It May Concern:

I am writing this letter in support of the H-1B petition on behalf of [Scholar Name]. The [Department Name], at the University of Texas Rio Grande Valley has a need for a [Position Title]. This position requires a minimum of a Ph.D. or the equivalent in either electrical or computer engineering, or a directly related field as well as expertise in conducting multi-scale space and time micromagnetic simulations.

We would like to offer full-time, temporary employment to [Scholar Name]. As a [Position Title], [Scholar Name] will conduct research involving the modification of computer codes, the development of new codes and/or utilization of existing software to develop a multi-scale concurrent computing environment for the characterization of the dynamic response of Read and Write elements in a magnetic field.

[Scholar Name] received a Master of Science degree in Electrical Engineering from the University of Texas-Pan American in 2001 and continued on to a Ph.D. program. [Scholar Name] was employed as a Graduate Research Assistant in the Magnetic and Optical Devices Laboratory at the Department of Electrical And Computer Engineering at the University of Texas-Pan American from 2011 to 2014. [Scholar Name] earned his/her Ph.D. degree in Computer Engineering from the University of Texas-Pan American in January 2008, where his/her research specialized in magnetic sensors.

Since then, he/she has been working as a post-doctoral [Position Title] at the Department of Electrical and Computer Engineering at the University of Texas-Pan American in J-1 exchange visitor classification and then in H-1B classification. He has continued to do an outstanding job of research in magnetic materials. He has completed a series of papers and has submitted a joint research proposal to the National Science Foundation. In addition, [Scholar Name] has been the co-author of 8 publications in the field electrical and magnetic engineering and is a first-rate researcher whose expertise will contribute significantly to our continued research at the [Department Name].

Therefore, [Scholar Name] has the background and experience to exceed the minimum qualifications for our [Position Title] position. We are confident that both the occupation and the qualifications of the prospective employee meet the minimum requirements for H-1B sponsorship. We respectfully request your favorable consideration of this petition.

Sincerely,

Your Signature

[Name]

[Title]

[Department Name]